

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.7.3.7, 20.7.3.401,
20.7.3.402 AND 20.7.3.904 NMAC.**

The New Mexico Environmental Improvement Board (Board) will hold a public hearing beginning at 9:00 a.m. on November 2, 2009, and continuing thereafter as necessary at the New Mexico State Capitol Building, Room 317, 490 Old Santa Fe Trail, Santa Fe, New Mexico. The hearing location may change prior to November 2, and those interested in attending should check the EIB website: <http://www.nmenv.state.nm.us/oots/eib.htm> prior to the hearing. The purpose of the hearing is to consider proposed amendments to Liquid Waste Disposal Rules, 20.7.3.7, 20.7.3.401, 20.3.1.402 AND 20.3.1.904 NMAC. The New Mexico Environment Department (NMED) is the proponent of the amendments to the rules. In addition, amendments to 20.7.3.904 have been proposed by the Professional On-Site Wastewater Re-use Association of New Mexico, Inc., and Mr. Link Summers.

The amendments proposed by NMED to 20.7.3.904 NMAC would remove the certification requirements for on-site liquid waste system installers, other than the requirement that installers hold a valid and appropriate classification of contractors license from the New Mexico Construction Industries Division. The proposed amendments would also remove the classifications of site evaluator, system designer, wastewater reuse irrigator and septage pumper from the certification requirement of 20.7.3.904 NMAC. The proposed amendments to Section 904 would also eliminate the Education Steering Committee. Besides amendments of 20.7.3.904, the Department seeks amendment of 20.7.3.7 NMAC (Definitions), 20.7.3.401 NMAC (Permitting; General requirements), and 20.7.3.402 NMAC (Permitting, Conventional Treatment and Disposal Systems), for the purpose of making these sections consistent with the proposed amendments to 20.7.3.904 NMAC.

Amendments proposed to 20.3.3.904 NMAC by the Professional On-Site Wastewater Re-use Association of New Mexico, Inc. and Mr. Link Summers would assign the duty of adopting, developing administering and implementing the certification program to the Utility Operator Certification Program, would eliminate the classifications of Installer 1 and 2, would add a classification of "consultant", and would eliminate the Education Steering Committee.

Please note that formatting and minor technical changes in the regulations other than those proposed by petitioners may occur. In addition, the Board may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

The proposed changes may be reviewed during regular business hours at the office of the Environmental Improvement Board located in the Harold Runnels Building, 1190 St. Francis Drive, Room N-2153 Santa Fe, NM, 87505. In addition, a copy of the NMED proposed amendments is posted on the NMED website at <http://www.nmenv.state.nm.us/fod/LiquidWaste/documents/june26.2009.petition.PDF>, and a copy of the amendments proposed by the Professional On-Site Wastewater Re-use Association of New Mexico, Inc., and Mr. Link Summers is at <http://www.nmenv.state.nm.us/fod/LiquidWaste/documents/POWRASummerspetition090730.pdf>.

Written comments regarding the proposed revisions may be addressed to Ms. Joyce Medina at the above address, and should reference docket number EIB 09-08R.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures) Environmental Improvement Board, the Environmental Improvement Act, Section 74-1-9 NMSA 1978, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so on or before 5:00 pm on October 19, 2009. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;

- summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;
- list and describe, or attach, each exhibit anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rules; and,
- attach the text of any recommended modifications to the proposed changes.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board not later than 5:00 pm on October 19, 2009, and should reference the name of the regulation, the date of the hearing, and docket number EIB 09-08 (R). Notices of intent to present technical testimony should be submitted to:

Joyce Medina
Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room N-2153
Santa Fe, NM 87502

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Personnel Services Bureau by October 19, 2009. The Personnel Services Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, NM 87502, (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Board may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.